Cr. No. 1354/06
Presented by Shri D.D. Vaishnav
Dated 08/05/06 A.R.

(03)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

Single Bench

C.R. NO. 66 /2006

APPLICANTS
PLAINTIFFS

1. Smt. Sarla Devi, D/o Prayag W/o shiv Charan, At present R/o Tukudand, Tahsil Pratappur, Distt. Sarguja (C.G.)
2. Smt. Dashri Devi D/o Prayag, W/o Nohar Sai, R/o Village Ragni, Tahsil Rajpur, Distt. Sarguja (C.G.).
3. Shiv Mangal S/o Narkandaj Gond, R/o Village Buda Baghicha, Tahsil Rajpur, Distt. Sarguja (C.G.)

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VERSUS

RESPONDENTS
Defendants

1. Smt. Chameli Devi D/o Prayag W/o Ram Kumar, Permanant R/o Village Silphili, Tahsil Kusmi, at present R/o Buda Bagicha, Tahsil Rajpur Distt. Sarguja (C.G.)
2. State of Chhattisgarh Through Collector Sarguja (C.G.) Ambikapur

CIVIL REVISION U/S 115 OF THE CODE OF CIVIL PROCEDURE

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(11)

आदेश पत्रक

मामला क्रमांक C.R.No.66/06 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

10-5-2006

Mr. D.N.Prajapati, learned counsel for the applicants.
Mr. V.D.Vaswani, learned Government Advocate for non-applicant No.2/State.

The applicants have preferred the instant civil revision under Section 115 of the Code of Civil Procedure against the judgment dated 7-4-2006 passed by learned Ist Additional District Judge, Ambikapur in Miscellaneous Civil Appeal No.17/2005 and by which the Miscellaneous Appeal, preferred by the applicants against dismissal of their application for restoration of their suit, which was earlier dismissed by the trial Court in default, has been further dismissed.

However, learned counsel for the applicants seeks to withdraw this civil revision on the ground that in view of the proviso to Section 115 of the Code of Civil Procedure, the instant revision is not maintainable. He further prays for liberty to file appropriate proceeding available under the law.

Taking into consideration that the instant civil revision is not maintainable in view of the proviso to Section 115 of the Code of Civil Procedure, the same is dismissed with liberty as prayed for.

Learned counsel for the applicants prays for return of the certified copy of the impugned judgment dated 7-4-2006 filed along with the instant civil revision.

The office is directed to return the certified copy of the aforesaid impugned judgment to learned counsel for the applicants on being substituted an authenticated photo copy thereof by him.

Sd/-
Dhirendra Mishra
Judge

Gopal

[पीछे देखिये